

1 JAMES GRZESLO; CDCR NO. BB-2085; B-109/1-LW

2 VALLEY STATE PRISON

3 PO. BOX 96

4 CHOWCHILLA, CALIFORNIA 93610-0096

5 PRO SE LITIGANT IN FORMA PAUPERIS

6

FILED

JAN 18 2022

CLERK U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY *[Signature]*
DEPUTY CLERK

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JAN 18 2022

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

12 JAMES GRZESLO,

13 PLAINTIFF,

14 V.
15

16 RAYTHEL FISHER, JR., ET. AL.,
17 DEFENDANTS.

CASE NO. 1:21-CV-01371-NONE-EPG (PC)

PLAINTIFF'S SECOND AMENDED
CIVIL RIGHTS COMPLAINT UNDER
42 U.S.C. § 1983.

{REF ID: K23; P.R., C.R., RULES 3&5 (e); L.R. 130}.

19

JURISDICTION

20
21
22 FOR GOOD CAUSE, THE PLAINTIFF FILES HIS LAWSUIT AGAINST THE
23 DEFENDANTS PURSUANT TO 42 U.S.C. § 1983. THIS COURT HAS
24 JURISDICTION UNDER 28 U.S.C. §§ 1331 AND 1333. PLAINTIFF SHALL
25 FURTHER SEEK RELIEF PURSUANT TO TITLE III - CIVIL RIGHTS ACT OF 1964;
26 THE AMERICANS WITH DISABILITIES ACT (28 U.S.C. §§ 1201, ET. SEQ.); THE FEDERAL
27 REHABILITATION ACT (28 U.S.C. § 794); AND U.S. CONSTITUTIONAL LAW.



1 INTRODUCTION

2
3 "HEREIN IS A CASE THAT IS IMPRESSIVE IN ITS SIMPLICITY...
4 CREDIBILITY OF THE DEFENDANTS IS A MAIN ISSUE." — HON. ROBERT H.
5 JACKSON, U.S. CHIEF COUNSEL AT NUREMBERG TRIAL, 1948, AND
6 ASSOCIATE JUSTICE OF THE U.S. SUPREME COURT. 1

7
8 1. JAMES GRZESLO, (HEREAFTER-PLAINTIFF), IS A PARAPLEGIC,
9 TOTALLY DISABLED PRISONER RESTRICTED TO A WHEELCHAIR, RESIDING
10 AT VALLEY STATE PRISON LOCATED IN Chowchilla, CALIFORNIA.

11
12 2. THE NAMED DEFENDANTS HAVE BEEN EMPLOYED BY THE STATE AGENCY
13 KNOWN AS THE CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITA-
14 TION, (HEREAFTER-COCR).

15
16 3. FOR GOOD CAUSE, THIS PLAINTIFF MOVES THE COURT TO FIND THIS
17 COMPLAINT ACTIONABLE, MERITORIOUS ON STANDING AND CAUSE TO
18 WARRANT JUDGMENT AGAINST DEFENDANT; RELIEF IS ALSO WARRANTED
19 BASED ON TRIVABLE FACTS WHICH SHALL BE ENUMERATED IN THIS
20 LAWSUIT.

21 ///

22 III

23 1. "ARCHITECTS IN GENOCIDE" — HON. ROBERT H. JACKSON — GREATEST CLOSING
24 ARGUMENTS IN MODERN LAW; LEST, CALDWELL, BYEL-PROFS. OF CONSTI-
25 TUTIONAL LAW, 1996, SCRIBER.

26 ///

27 ///

2

1:21-cv-01371-NONE-EPG (PC)

42 U.S.C. § 1983



1 IN ASHCROFT V. IBBANI, 556 U.S. 662, 678 (2009) (CITING BELL)
2 ATLANTIC CORP. V. TWOMBLY, 550 U.S. 544, 555 (2007)) AT HIGHLIGHT:
3 "UNDER FRCP RULE 8(a)(2), A PLEADING MUST CONTAIN A 'SHORT
4 AND PLAIN STATEMENT OF THE CLAIM SHOWING THAT THE PLEADER IS
5 ENTITLED TO RELIEF.'" FURTHER, THE PLEADING MUST "CONTAIN
6 FACTUAL MATTER ACCEPTED AS TRUE THAT IS PLAUSIBLE ON ITS
7 FACE." Id. AT 570. THEREFORE:

8
9 1. FACT OF COMPLAINT — FOR OVER TWO DECADES SOCIETY HAS BEEN
10 MADE CLEARLY AWARE THAT CDCR IS CONSISTENTLY RANKED AS THE
11 MOST CORRUPT AND RACIST STATE PRISON SYSTEM IN AMERICA. 2

12
13 2. FACT OF COMPLAINT — THE PUBLIC AND INMATES WERE MADE
14 AWARO OF THE UNCOVERING THE EXISTENCE OF A SECRET PRISON
15 SOCIETY WITHIN CDCR, BEGINNING AT SALINAS STATE PRISON IN 1996,
16 KNOWN AS THE "GREEN WALL". THIS SECRET "GESTAPO" ORGANIZATION
17 IS PATTERNED SIMILAR TO THE KLU KLU KLAN AND COMPRISD CDCR
18 OFFICIALS AND CORRECTIONAL OFFICERS (PRISON GUARDS). THIS "GREEN
19 WALL" IS ALIVE AT VOLLEY STATE PRISON THIS DAY. 3

20
21 AS IN HIS BOOK ENTITLED THE GREEN WALL, FORMER CDCR
22 PRISON GUARD D.J. VODICKA REVEALS ATROCITIES OF THIS
23 SECRET GROUP WITHIN CALIFORNIA PRISONS TO ABUSE DISABLED

24 2. LOS ANGELES TIMES; SAN FRANCISCO CHRONICLE; SACRAMENTO BEE; DATELINE
25 NBC NEWS.

26 3. THE GREEN WALL - BY D.J. VODICKA; iUNIVERSE, 1663 LIBERTY DRIVE,
27 BLOOMINGTON, IN. 47403 - 10/12/2009.

1 AND INDIGENT INMATES THROUGH USE OF UNJUSTIFIED PHYSICAL
2 ABUSE, NEGLECT OF MEDICAL CARE, DEPRIVATION, RETALIATION,
3 TORTURE AND MURDER.

4

5 **B. FACT - IN LATE 2020, U.S. DISTRICT COURT JUDGE CLAUDIA WILKEN**
6 ORDERED THE INJUNCTION AGAINST CDCR CORRECTIONAL OFFICERS
7 AT SEVERAL STATE PRISONS TO WEAR THE ALREADY 'PAID FOR'
8 BODY CAMERAS AFTER SUFFICIENT COURT EVIDENCE DETAILED
9 PHYSICAL ASSAULTS, ABUSE, AND RETALIATION BY THESE CORRECT-
10 IONAL OFFICERS AGAINST MORE THAN 100 DISABLED INMATES WHO
11 FILED LAWSUITS AT JUST ONE CDCR PRISON - R.J. DONOVAN. 4.

12

13 **3. By reason of factual and discoverable material evidence to**
14 **FURTHER SUPPORT HIS COMPLAINT AND LAWSUIT AGAINST THE DEFENDANTS,**
15 **FORMER VALLEY STATE PRISON'S ASSOCIATE WARDEN AND ITS AMERI-**
16 **CANS WITH DISABILITIES ACT PROGRAM DIRECTOR, S. GOODFORD, CLEARLY**
17 **EMPHASIZED THAT CDCR AND VALLEY STATE MUST COMPLY TO VERY**
18 **SPECIFIC FEDERAL ADA GUIDELINES;**

19

20 **A. FACT: "THERE'S A PROCESS IN PLACE. THE ADA INMATE MUST MEET**
21 **THE ELIGIBILITY CRITERIA OF THE VOCATIONAL WORK ASSIGNMENTS...**
22 **AND MUST BE ABLE TO PERFORM THE DESIGNATED AND ESSENTIAL**
23 **FUNCTIONS OF THE ASSIGNMENT. FACTORS INCLUDE THE RISK IN-** 5

24

25 4. SAN QUENTIN NEWS, VOL. 2021 No. 8, OCTOBER 2021, EDITION 139.

26 5. VALLEY STATE PRISON'S MAC MEETING HEADED BY A.W. S. GOODFORD.

27



1 VOLVED, MEDICAL FACTORS, HISTORY OF SEIZURES, CADMIUM EXPO-
2 SURES, ET CETERA."

3
4 B. FACT: VALLEY STATE PRISON DEFENDANTS AND CDCR DID NOT
5 REMOTELY COMPLY TO FEDERAL ADA LAW, TITLE III OF THE
6 CIVIL RIGHTS ACT IN PLAINTIFF'S CASE.

7
8 C. DAILY FACT — PLAINTIFF WAS FORCED TO WORK AS AN AUTOMOTIVE
9 MECHANICS TEACHER AIDE, ALTHOUGH NOT QUALIFIED AND NEVER
10 TESTED IN ORDER TO "BE ABLE TO PERFORM THE DESIGNATED AND
11 ESSENTIAL FUNCTIONS OF THE ASSIGNMENT." HE IS NOT "ABLE-
12 BODIED" AND THEREFORE IT CAN BE CONCLUDED THAT CDCR's
13 TITLE 15 § 3040 (a) NOT ONLY CONTRADICTS, BUT DOES FACTUALLY
14 VIOLATE THE AMERICANS WITH DISABILITIES ACT §§ 12101, ET
15 SEQ., U.S. SUPREMO COURT MANDATO HELD IN EDWARDS V.
16 BALSTOCK, Id. 6

17
18 d. IN ADDITION TO PLAINTIFF BEING A PARAPLEGIC, TOTALLY DIS-
19 ABLED, WHEELCHAIR BOUND PRISONER, HE IS AND HAS A HISTORY
20 OF SEIZURE ACTIVITY SINCE 1953. YET, HE IS FORCED TO WORK IN
21 AN UNQUALIFIED POSITION AND FIELD WHERE THIS VOCATIONAL
22 AUTOMOTIVE SHOP CONTAINS AN EXPENSIVE AUTO TIRE ALIGNMENT
23 MACHINE CONTAINING DOZENS OF SMALL BLINKING RED LIGHTS —
24 A DEFINITIVE CAUSATION OF SEIZURES ADDRESSED BY A.W.
25 BOBIFURD. FACT OF MEDICINE AND NEUROSCIENCE.

26 e. EDWARDS V. BALSTOCK, 520 U.S. 641, 117 S.Ct. 1594, 137 L.Ed. 2d 806 (1997).

27 III

5



1 4. FACT - ON A DAILY CONTINUUM FROM APRIL 02, 2021 THROUGH NOVEM-
2 BER 12, 2021, THE DEFENDANTS, (ALL OR IN PART), ABUSED THIS PARA-
3 PLEGIC AND PERMANENTLY DISABLED PLAINTIFF TO BE EXPOSED TO
4 ASBESTOS RESIDUE AND DUST FROM BRAKE LINES AND BRAKE PARTS, WHICH
5 CAN LEAD TO TWO INCURABLE ASBESTOS LUNG CANCER AND MESOTHELIOMA.
6 THE FEDERAL GOVERNMENT'S ENVIRONMENTAL PROTECTION AGENCY (EPA) WAS
7 OUTLAWED ASBESTOS NEARLY THIRTY YEARS AGO. SO TOO, THE U.S. DEPARTMENT
8 OF OCCUPATIONAL HEALTH AND SAFETY ASSOCIATION (ACT)-OSHA, AND ITS
9 COUNTERPART CAL/OSHA. DEFENDANTS REFUSED TO PROVIDE FILTRATION
10 MASKS THEREBY VIOLATING THE U.S. CONSTITUTION'S FIRST AND EIGHTH
11 AMENDMENTS PROHIBITING ENDANGERMENT OF EVEN A PRISONER'S LIFE, COUPLED
12 BY THE USE OF CRUEL AND UNUSUAL PUNISHMENTS.

13
14 A. DAILY FACT - PLAINTIFF WAS EXPOSED TO NUMEROUS CARCINOGENS;
15 CAUSTIC SUBSTANCES; ACIDS; EXPLOSIVE/FLAMMABLE SUBSTANCES NOT
16 PROPERLY STORED; FIRE EXTINGUISHERS IN A INACCESSIBLE AREA AND
17 LOCKED UP; WOOD, PAPER, AUTO TIRES OPENLY STORED ON TOP OF LOCKED
18 HAZMAT WALL LOCKERS CONTAINING FLAMMABLES, ACIDS, CAUSTIC
19 SUBSTANCES. SAFETY AND HEALTH RISK OF DAILY CONCERN; HAZARDS.

20
21 B. WHEELCHAIR INACCESSIBLE WORK ENVIRONMENT; CRAMPED SPACES;
22 DANGERS EXPOSED TO INJURY OR DEATH IN THIS SHOP.

23
24 C. NO ACTUAL ADA TOILETING FACILITY - ONLY A TOILET SHARING
25 THE SPACE WITH TWO LARGE MOP BUCKETS AND LARGE OVER HANGING
26 PUSH BROOMS. FACT - IN VIOLATION OF ADA STATUTE. HOWEVER,

27 ///

1 THE U.S. SUPREME COURT HAD PREVIOUSLY HELD THAT, "BY SIMPLY MOVING
2 THE ADA INMATE TO A DIFFERENT SECTION OF THE SAME JOB SITE
3 DOES NOT JUSTIFIABLY CORRECT THE HAZARDOUS ELEMENTS OF
4 DANGER OR HARM". AS ASSOCIATE WARDEN / ADA DESIGNEE
5 DEFENDANT DAVIS AND DEFENDANT ERNEST CASTILLO ALLEGED
6 BY "SIMPLY ACCOMMODATING" PLAINTIFF'S WORK STATION IN THE
7 SAME HAZARDOUS JOB SITE, SINCE PLAINTIFF WAS RELOCATED
8 TO THE AUTOMOTIVE CLASSROOM, HE STILL FREQUENTLY HAD
9 TO ENTER THE DANGEROUS AND HAZARDOUS SITE IN ORDER TO
10 UTILIZE THE PSEUDO-ADA TOILET. SOAP DISPENSER, HAND WIPE BOX
11 OF WHEELCHAIR PLAINTIFF'S REACH. NO MODIFICATION DONE.
12

13 5. "THE TEST FOR DELIBERATE INDIFFERENCE DOES NOT REQUIRE
14 A PRISON OFFICIAL TO AFFIRMATIVELY PROCLAIM THE ABUSE." AS
15 UNDER FARMER,⁷, THE U.S. SUPREME COURT RULED, "THE PLAINTIFF IS
16 NOT REQUIRED TO PRODUCE A 'SMOKING GUN' OF DELIBERATE INDIFFERENCE."
17 PLAINTIFF HAS BOTH QUALITATIVE AND QUANTITATIVE CIRCUMSTANTIAL
18 EVIDENCE AGAINST THESE DEFENDANTS.

19
20 A. ALL DEFENDANTS IN THIS LAWSUIT "KNOW THAT INMATES FACE
21 A SUBSTANTIAL RISK OR SERIOUS INJURY, HARM AND DISREGARD
22 THAT RISK BY FAILING TO TAKE REASONABLE MEASURES TO AVOID
23 IT." [FARMER, *Id.*].

24
25 7. FARMER V. BRENNAN, 511 U.S. CITED AT 847, 825, 114 S.Ct. 1970 (1994),
26 SOUTHERN POVERTY LAW CENTER LITIGATION, 2009.

1 6. WE DO CONCLUDE THROUGH THE EXPERIENCE OF DAILY ABUSE, RE-
2 GRATION, VIOLATIONS TO PLAINTIFF'S FEDERAL CONSTITUTIONAL RIGHTS;
3 HIS FEDERAL AND STATUTE RIGHTS; THE ADA 42 U.S.C. §§ 12101, ET SEQ.;
4 THE FEDERAL REHABILITATIONS ACT (28 U.S.C. § 704); TITLE VII OF THE
5 CIVIL RIGHTS ACT OF 1964 THAT THESE DEFENDANTS CLAIM, "EACH WAS
6 WITHOUT INDEPENDENT AUTHORITY, WITHOUT ABSOLUTE KNOWLEDGE, WITH-
7 OUT INFLUENCE, AND WITHOUT IMPORTANCE -- THESE DEFENDANTS SAW
8 NO EVIL, SPOKE NONE, AND NONE WAS UTTERED IN THEIR PRESENCE.
9 THIS CLAIM WOULD SOUND VERY PLEASIBLE IF MADE BY ONE DEFENDANT."

10
11 THE LAST STAND OF EACH DEFENDANT IS THAT EVEN IF THERE WAS
12 A CONSPIRACY, THE INDIVIDUAL WAS NOT INVOLVED. IT CONTRADICTS
13 COMMON SENSE AND EXPERIENCE THAT THE DEFENDANTS OF SUCH
14 DIVERSE BACKGROUNDS SHOULD FORWARD EACH OTHER'S AIMS SIMPLY
15 BY COINCIDENCE.¹¹ THEREFORE, UNDER OCCR AND VALLEY STATE PRISON,
16 A COMMON PLAN OF CONSPIRACY EXISTS SINCE EACH KNEW OF OR WERE
17 ADVISED OF PLAINTIFF'S MEDICAL CONDITIONS AND NON-QUALIFICATIONS.
18 THE PLAINTIFF WILL ENUMERATE IN THIS ALLEGED PRISON "DEFENDANT"
19 CONSPIRACY AND HABITUAL ACTS OF OBSTRUCTION OF JUSTICE UNDER
20 U.S. V. JIMENEZ, 300 F.3d 1166, 1170 (9TH CIR. 2002); AND U.S. V.
21 ANDERSON: 2/11/2019 (9TH CIR. 2019). [18 U.S.C., §§ 3.1, 1; 1510;
22 1515 (a)(3) AND (3)(A) - SEE ALSO U.S. V. DUNNIGAN (1993), 507 U.S. 87].

23 III

24 8. "ARCHITECTS IN GENOCIDE"--HOW: ROBERT H. JACKSON - GREATEST CLOSING
25 ARGUMENTS IN MODERN LAW; LIEF, CALDWELL, BYEL; 1998, SCRIBNER.

26 9. SOUTHERN POVERTY LAW CENTER LITIGATION, 2009.

27 III

DEFENDANTS

3 ALL AND/OR IN PART, DEFENDANTS NAMED HAVE KNOWINGLY AND
4 WITH INTENT UNDER THIS COLOR OF LAW, PRAGMATICALLY VIOLATED
5 FEDERAL CONSTITUTIONAL LAW, FEDERAL STATUTES, AND STATE CODE
6 RULES OR REGULATIONS TO ABUSE, HARM, INJURE, RESTRAIN, AND
7 PUNISH A PARAPLEGIC, TOTALLY DISABLED, 95% DENE INMATE WHO
8 WAS NOT QUALIFIED TO DO ASSIGNED WORK AS AN "ABLE-BODIED"
9 INMATE. CLAIM IS AGAINST OFFICIAL AND/OR INDIVIDUAL VIOLATIONS.

11 1. KATHLEEN ALLISON - SECRETARY OF CDCR; OBSTRUCTION OF
12 JUSTICE UNDER LEWIS V. CASEY AND BOUNDS
13 V. SMITH TO BY DENYING "THE FUNDAMENTAL CONSTI-
14 TUTIONAL RIGHT TO ACCESS THE COURTS IN THE PREP-
15 ARATION AND FILING OF MEANINGFUL LEGAL PAPERS."
16 VIOLATION OF CDCR'S DEPARTMENT OPERATIONS MANUAL
17 § 140.10.21 NOT TO CHARGE INDIGENT INMATES FOR
18 COPYING LEGAL WORK; CONTRADICTING CDCR'S TITLE
19 15 § 8162 (c) LEGAL FORMS AND DUPLICATING FROM
20 50 COPIES, DOWN TO ONLY 10 PURSUANT TO CDCR'S
21 EMAIL TO LAW LIBRARY RESTRICTIONS. VIOLATION
22 OF U.S. CONSTITUTION'S FIRST AMENDMENT, EIGHTH
23 AND FOURTEENTH AMENDMENTS. PLAINTIFF AT RISK
24 IF COURT DOCUMENTS NOW LIMITED TO 10 COPIES
25 PER WEEK, IF SHORTED DEADLINE EXISTS.

26 ID. LEWIS v. CASEY, 518 U.S. 343 (1996) at 355; AND BOUNAS v. SMITH, 480 U.S.
27 817, 828, 97 S. CT. 1491 (1987).



1 DEFENDANTS (CONTINUED)

2. RAYTHEL FISHE, JR. - FORMER WARDEN, ACTIVE DURING CASE
3 IN ITS APRIL 2021 INCEPTION AT VALLEY STATE
4 PRISON; LIABILITY INCLUDES BUT NOT LIMITED
5 TO, "RELEGATES AND DELEGATES AUTHORITY,
6 ASSIGNMENTS, AND RESPONSIBILITIES TO SUB-
7 ORDINATES". II

8

9. ERNEST CASTILLO - AUTOMOTIVE MECHANICS INSTRUCTOR AT VALLEY
10 STATE PRISON DURING CASE APRIL 02, 2021 THROUGH
11 NOVEMBER 12, 2021 (APPROX.). ABUSED, PLACED PLAINTIFF
12 UNDER PSYCHOLOGICAL / PHYSICAL DURESS AND
13 HARDSHIP EACH DAY OF WORK ASSIGNMENT. BY RE-
14 FUSING TO ADMINISTRATIVELY HAVE THE UNQUALIFIED
15 AND DISABLED PLAINTIFF REASSIGNED ELSEWHERE,
16 CASTILLO INTENTIONALLY EXPOSED PLAINTIFF TO A
17 HOSTILE WORK ENVIRONMENT BY EXPOSING PLAINTIFF
18 TO KNOWN SUBSTANCES OUTLAWED BY U.S. GOVERNMENT
19 AGENCIES; HARASSING PLAINTIFF; FAILING KNOWINGLY
20 FALSIFIED JOB ASSIGNMENTS SUBMITTED TO COCR
21 HEAD QUARTERS IN SACRAMENTO. WITNESSED BY
22 INMATE-STUDENTS, WILLING TO TESTIFY AT TRIAL.
23

24. B. DAVIS - ASSOCIATE WARDEN, ADA DIRECTOR DESIGNEE AT

25

26. IN RE BERMAN (1935), CA7 III, 80 F.2d 961; AND U.S. V. UNITED MINE

27. WORKERS (1947) 330 U.S. 258, 67 S. CT. 677, 91 L. ED., 884.



DEFENDANTS *(continued)*

4. B. ONLY (CONT.) - REPEATEDLY WROTE AND SUBMITTED FALSE AND
REPORTS TO CDCR HEADQUARTERS TO INCLUDE EXECUTION
OF TWO WRITTEN REASONABLE ACCOMODATION REPORTS
(RAR)- A LEGAL DOCUMENT REQUIRED BY LAW, PUR-
SUANT TO THE PENALTY OF PERJURY UNDER FED. R.
CIV. P. 5, 28 U.S.C. § 1746. SENT CUSTODY OFFICERS TO
HARASS AND TO FORCE PLAINTIFF TO SIGN LEGAL DOCUMENTS
AFFILIATED WITH OASD AT HAND.

J. M. NAVARRETE - CUSTODIAL COUNSELOR I AT THIS PRISON, ORDERED BY B. DAVIS
TO FORCE PLAINTIFF TO SIGN FALSIFIED LEGAL DOCUMENTS.

14 6. LIEUTENANT B. BEAN - FORMER PROGRAM OFFICE SERGEANT ON BRAVO YARD WHO
15 GAVE DIRECT ORDER FOR PLAINTIFF NOT TO RETURN TO
16 WORK IN THE VOCATIONAL AUTOMOTIVE SHOP SINCE HE
17 AND DEFENDANT HAD SETTLED THE ISSUE. DEFENDANT
18 BEAN WITNESSED ON TWO SEPERATE OCCASIONS GIVING
19 INMATES SIMILAR DIRECT ORDERS; RESULTS ENDED IN EACH
20 INMATE AND THE PLAINTIFF RECEIVING DISCIPLINARY ACTION.

22 F. SERGEANT SANTOYO - BRAVO YARD PROGRAM OFFICE SERGEANT WHO WROTE
23 A FALSIFIED RULES VIOLATION REPORT, LOG NUMBER-
24 000000007088996 OF MAY 25, 2021; PURSUANT TO PENALTIES
25 OF ARTURY AS ADDRESSED IN §1746. SUBSEQUENTLY,
26 DEFENDANT SANTOYO, AN UNIMMUNIZED STAFF EMPLOYEE,

27

4

DEFENDANTS (continued)

F. SANTOYAN (CONT.)

- TESTED POSITIVE FOR COVID. AFTER A RETURN TO DUTY (NEARLY 3-MONTHS LATER), DEFENDANT SANTOYA AND OTHER UNVACCINATED PRISON GUARDS HAVE TESTED POSITIVE FOR COVID. SANTOYA HAD OFFICIAL MEETING PRIOR TO HIS SECOND COVID ISOLATION RELATED IN-PART TO THIS CASE. PLAINTIFF HAS PREVIOUSLY RECEIVED ALL COVID IMMUNIZATION AND SUBSEQUENT BOOSTER INJECTIONS. IT WAS OFFICIALLY DETERMINED BY MEDICAL AUTHORITY THAT THE COVID VIRUS WAS BEING SPREAD AT THIS PRISON BY NON IMMUNIZED STAFF. THEREFORE, NOT ONLY HAS SANTOYA PERJURED HIS WRITTEN TESTIMONY IN THIS CASE, HE HAS ALSO ENDANGERED THE PLAINTIFF'S LIFE AND HEALTH BY HIS REFUSAL TO ADHERE TO STATE COVID IMMUNIZATION PROTOCOL /MANDATES.

B. B. SURZO

- CORRECTIONAL OFFICER AT VALLEY STONE PRISON AND WAS
WITNESSED ADMITTING TO FALSIFICATION OF CELL INSPECTION
DOCUMENTATION SUBMITTED TO PRISON OFFICIALS. NO FURTHER
ADMITTED TO PERSONALLY GOING IN TO PLAINTIFF'S WALL LOCK-
ER TO INTENTIONALLY THROW AWAY PLAINTIFF'S JEWISH
PRAYER NECESSITY ACQUIRED DURING THE HOLOCAUST.
SUED NOW SUBJECT TO TITLE VII OF THE CIVIL RIGHTS ACT
OF 1964 FOR DISCRIMINATION, ANTI-SEMITISM; VIOLATIONS
OF U.S. CONSTITUTION'S FIRST, EIGHTH, AND FOURTEENTH
AMENDMENTS RIGHTS OF THE PLAINTIFF. THIS FURTHER

1 DEFENDANTS (CONTINUED)

2 B. B. SUAZO (CONT.) - CORRELATES TO PLAINTIFF'S § 1983 ACTIONABLE
3 LAWSUIT DUE TO ROVERITY BY INDIVIDUAL FILING
4 KNOWN FRAUDULENT CLAIMS IN THE EASTERN U.S.
5 DISTRICT COURT, FRESNO DIVISION UNDER THE HONORABLE
6 DISTRICT COURT MAGISTRATE JUDGE ERICA P.
7 GROSJEAN; CASE NUMBER: 2021 U.S. DIST LEXUS
8 223413 / 1:19-cv-00316-DAD-SPG (PC).

9

10 CLAIM I

11

12 DEFENDANTS' INTENTIONAL, MALICIOUS VIOLATIONS AND ABROGATIONS TO
13 PLAINTIFF'S FIRST, EIGHTH, AND FOURTEENTH U.S. CONSTITUTIONAL AMEND-
14 MENTS RIGHTS.

15

16 FACTS - PREVIOUSLY NOTED IN THIS COMPLAINT DOCUMENTATION.

17

18 CLAIM II

19

20 DEFENDANTS' INTENTIONAL, MALICIOUS VIOLATIONS INCLUSIVE OF 42 U.S.C.,
21 § 1983; AMERICANS WITH DISABILITIES ACT 42 U.S.C., §§ 12101 ET SEQ.; FED-
22 ERAL REHABILITATION ACT - 28 U.S.C., § 704; TITLE VII OF THE CIVIL RIGHTS
23 ACT OF 1964; TITLE 15 CCR OF CDCR § 3040(a); FALSIFIED, WRITTEN REPORTS -
24 KNOWN TO BE FALSE AND SUBMITTED TO OFFICIALS OF CDCR - PERJURY.

25

26 FACTS - AS PREVIOUSLY NOTED IN THIS COMPLAINT DOCUMENTATION.

CLAIM III

HABITUAL OBSERVABLE ACTS OF DEFENDANTS TO OBSTRUCT JUSTICE
UNDER 18 U.S.C., § 3111 AS FOUND IN U.S. v. JIMENEZ, 300 F.3d
1166, 1170 (9TH CIR. 2002); ALSO U.S. v. ARNESON; 211119 (9TH CIR. 2019).

FACT - ON-GOING DELIBERATE AND INTENTIONAL DEFENDANT ACTS OF CONSPIRACY AND OBSTRUCTION ELICITED IN THIS CASE TO COVER-UP ILLEGALITIES AS NOTED IN THIS COMPLAINT.

LUDICROUS, EGREGIOUS 11TH AMENDMENT IMMUNITY

2 1. FEDERAL COURTS RECOGNIZE THE POWER AND AUTHORITY OF CONGRESS,
3 WHEN ACTING UNDER SECTION 5 OF THE FOURTEENTH AMENDMENT, TO
4 ABROGATE THAT IMMUNITY ERRONEOUSLY CLAIMED IN ORDER TO
5 IMPLEMENT THE FEDERAL CONSTITUTION'S AMENDMENT TO ENDS
6 PROSECUTION. 12 (AND FOLLOWING PARAGRAPHS).

8 2. CONGRESS, AS HELD BY THE U.S. CONSTITUTION AND SCOTUS IN
9 ALL RELEVANT SECTIONS OF THE AMERICANS WITH DISABILITIES ACT,
10 THE REHABILITATION ACT AND TITLE III OF THE CIVIL RIGHTS ACT
11 HAS EFFECTIVELY EXERCISED THIS POWER TO ABROGATE ELEVENTH
12 AMENDMENT IMMUNITY OF DEFENDANTS OF A STATE.¹³ THEREFORE,
13 THIS PLAINTIFF MOVES THE HONORABLE COURT TO EXERCISE BOTH
14 AUTHORITIES GIVEN BY THE U.S. CONGRESS CONCURRED BY SCOTUS TO
15
118

12. THE LEGAL WRITER - STEVEN D. STARK, PROFESSOR OF CONSTITUTIONAL LAW AT
YALE AND HARVARD LAW SCHOOLS; DOUBLEDAY, 1989

1 ABROGATE, BY CONSTITUTIONAL MEANS, ANY CLAIMS OF IMMUNITY
2 OF THE DEFENDANTS. [FURTHER SEE HORN V. LOUISIANA, 134 U.S. 1
3 (1890); EDELMAN V. JORDAN, 415 U.S. 651 (1974); FITZPATRICK
4 V. BLITZER, 427 U.S. 445 (1976); AND PARDEN V. TERMINAL RAILWAY,
5 377 U.S. 184 (1964)].

6
7 3. THE ELEVENTH AMENDMENT, RATIFIED FEBRUARY 07, 1795,
8 RESULTED IN THE DECISION IN CHISOLM V. GEORGIA (1793), 2 U.S.
9 419, 1 L.Ed. 440 WHERE THE U.S. SUPREME COURT HELD FIRMLY,
10 THAT A STATE OR STATE OFFICIAL WAS SUABLE IN THE U.S.
11 SUPREME COURT.

12
13 EXHAUSTION OF ALL STATE REMEDIES

14
15 1. THE PLAINTIFF HAS DILIGENTLY, TIMELY COMPLIED TO FEDERAL STATUTE TO
16 EXHAUST ALL STATE REMEDIES IN HIS CASE PURSUANT TO THE PRISON LITIGATION
17 REFORM ACT OF 1996 (42 U.S.C. § 1997e); AND AS REQUIRED IN JONES V.
18 BOCK, 549 U.S. 199, 211, 127 S.Ct. 910, 918-19 (2007); AND AS CONCURRED
19 BY VALLEY STATE PRISON AND COCR'S LT. McCULLAN IN "C-PLMS-VSP-
20 1261-20".

21
22 2. AS PREVIOUSLY NOTED BY PLAINTIFF AND NUMEROUS INMATES ON
23 THEIR INDIVIDUAL CASE, THE GRIEVANCE AND THE APPEALS COMMITTEE
24 FAILED EACH TIME IN TIMELY 60-DAY RESPONSE TO WELL OVER 110-DAYS,
25 AS REQUIRED. THEREFORE, ANY DEFENSE IS UNTIMELY, MOOT.

26
27 3. FOR THIS LAWSUIT'S PURPOSE, PLAINTIFF IS NOT REQUIRED TO EXHAUST



1 REMEDIES IN THIS SPECIFIC § 1983 MATTER PURSUANT TO FEDERAL STATUTE
2 AS UTILIZED IN FOULK V. CHORRIER, 262 F.3d 687, 698 (6TH CIR. 2001)
3 WHICH HELD, "THAT INMATE EXHAUSTION (EXHAUSTED) HIS AVAILABLE AD-
4 MINISTRATIVE REMEDIES, WHERE HIS TESTIMONY ESTABLISHED THAT
5 PRISON OFFICIALS FAILED TO RESPOND TO HIS INFORMAL RESOLUTION REQUEST,
6 THEREBY PREVENTING HIM FROM FILING GRIEVANCE APPEAL."

7
8 A. SIMILARLY, PLAINTIFF OBSERVED AND EXAMINED "OPENED" ITEMS
9 OF COURT AND COCR MAIL CONFIDENTIALLY ADDRESSED AS LEGAL
10 MAIL TO THE PLAINTIFF. MISSING OR REDACTED LEGAL DOCUMENTS
11 WERE OBSERVED, NOTED.

12
13 B. "GRIEVANCE" OR "APPEALS" WERE ALREADY PRE-DATED
14 WEEKS PRIOR TO ACTUALLY MAILING TO THE INMATE. THIS
15 NOTING A RHETORICAL COCR STATEMENT THAT A GRIEVANCE
16 WAS DENIED DUE TO BEING UNTIMELY.

17
18 4. LIKEWISE, WHEN JONES V. BLOCK (Id.) IS CAREFULLY EXAMINED,
19 (AT 919-922) (SPECIFICALLY AT 921), "...INMATES ARE NOT RE-
20 TO SPECIFICALLY PLEAD OR DEMONSTRATE EXHAUSTION IN THEIR COM-
21 PLAINTS." COCR DEFINITELY IS CONCLUDED, VIA ITS OWN TITLE 15,
22 IS EXTREMELY MISINTERPRETED ON "EXHAUSTION" AND IS SUPERSEDED
23 BY CASE LAW AND MANDATES FROM THE U.S. SUPREME COURT.

24
25 * DUE THE DISTRICT COURTS PAGE LIMIT AT THIS TIME, PLAINTIFF WILL
26 BE VERY BRIEF IN HIS CLOSING STATEMENTS. ADDITIONAL EVIDENCE
27 AND FUTURE MOTIONS FOR INJUNCTIVE RELIEF, ET AL, IS PENDING.

RELIEF

1. FIRST, TRIAL BY JURY IS RESPECTFULLY DEMANDED IN THE BEST
INTEREST OF JUSTICE. RELIEF NOT TO BE TAXPAYER EXPENDED.

2. ANY FORM OF RELIEF AGAINST THE DEFENDANTS SHALL BE DETERMINED, IN PART, BY SETTLEMENT HEARING / EVIDENTIARY HEARING AS ORDERED BY THE HONORABLE COURT.

PRIOR FEDERAL CASES

1. ONLY ONE, JAMES GRIBESLO V. M. POLLARD, WARDEN, SOUTHERN
DISTRICT COURT OF SAN DIEGO, CALIFORNIA, 2018-2019. TEMPORARILY
CLOSED WITHOUT PREJUDICE BY THIS PLAINTIFF. INVESTIGATORS
COULD NOT LOCATE FEMALE DENTIST WHO CAUSED MY CEREBRAL VASCU-
LAR ACCIDENT JANUARY 03, 2018 — A NEAR FATAL ERR WHICH
LEFT PLAINTIFF PERMANENTLY DISABLED.

CLOSE

FOR GOOD CAUSE, PLAINTIFF JAMES GRZESLO TIMELY FILES HIS COM-
PLAINT AND LAWSUIT AGAINST NAMED DEFENDANTS EMPLOYED BY
THE CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION,
FOR VIOLATIONS TO CONSTITUTIONAL RIGHTS, FEDERAL / STATE STATUTES,
AND TO STATE AGENCY REGULATIONS BY DEFENDANTS TOWARD
THIS PLAINTIFF. WITNESSES, UNDER IMMUNITY OF REPRISAL AND

1 RETALIATION HAVE AGREED TO TESTIFY IN PLAINTIFF'S BEHALF,
2 AGAIN, TRIAL BY JURY IS DEMANDED.

3
4 RESPECTFULLY,
5
6

7 JAMES GRIESLO, PLAINTIFF / PRO SE LITIGANT

8
9 EXECUTED / PRISON FILED : JANUARY 12, 2022

10 / / /

11 / / /

12 / / /

13 DECLARATION

14
15 I, JAMES GRIESLO, AM THE PLAINTIFF AND A PARTY IN THIS
16 ACTION. I AM A UNITED STATES CITIZEN OVER THE AGE OF 18
17 YEARS.

18
19 PURSUANT TO ALL LAWS PERTAINING PERJURY, THE AFOREMENTIONED
20 COMPLAINT IS TRUE AND ACCURATE.

21
22 JAMES GRIESLO, PLAINTIFF

01/12/2022

mg

23 / / /

24 / / /

25 / / /

26 / / /

27 / / /

18

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
FRESNO DIVISION

JAMES GRZESKO, PLAINTIFF

v.

Case Number: 1:21-cv-01371-NONE-EPG (PC)

KATHLEEN ALLISON, SECRETARY

PROOF OF SERVICE

OFFICE, ET AL., DEFENDANTS

I hereby certify that on January 12, 2022, I served a copy of the attached "PLAINTIFF'S SECOND AMENDED 81983 COMPLAINT" by placing a copy in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the United States Mail at

VALLEY STATE PRISON

(List Name and Address of Each Defendant or Attorney Served)

1. OFFICE OF THE HONORABLE CLERK
U.S. DISTRICT COURT, EASTERN DISTRICT
FRESNO DIVISION
2600 TULARE STREET, SUITE 1501
FRESNO, CALIFORNIA 93721

2. DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL
1300 "I" STREET, SUITE 125
P.O. BOX 944255
SACRAMENTO, CALIFORNIA
94244-2558

I declare under penalty of perjury that the foregoing is true and correct.

01-12-2022

(Signature of Person Completing Service)